



COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JUNE 22, 2004

PRESENT: Acevedo, Escobar, Lyle, Mueller, Weston

ABSENT: Benich, Engles

LATE: None

STAFF: Senior Planner (SP) Linder, Senior Engineer (SE) Creer, and Office Assistant II Webster

Chair Weston called the meeting to order at 7:03 p.m., and invited Terry Linder to lead the flag salute.

DECLARATION OF POSTING OF AGENDA

Office Assistant II Webster certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the public hearing.

With no one present from the audience wishing to address matters not appearing on the agenda, the public hearing was closed.

Commissioner Mueller announced that last Friday, June 18th, the first event at the refurbished De Paul ~~Medical~~ Health Center, was held for Leadership MH Healthcare Day. If the public has a healthcare related meeting they want ~~held there~~ to hold in the Conference Center, they can contact the De Paul ~~Medical~~ Health Center to make arrangements.

Chair Weston presented a plaque on behalf of the Commissioners to former Chair Mueller in appreciation for his hard work and efforts during the past year.

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MINUTES:

JUNE 1, 2004

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JUNE 1, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 14, bullet 2: second line: Commissioner Weston said many of the buildings do not come close...

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES.

JUNE 8, 2004

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JUNE 8, 2004 MINUTES AS PRESENTED. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES.

NEW BUSINESS:

**1) DAA-03-13:
MISSION VIEW-
MISSION RANCH**

A request to amend an approved development agreement for phases 7, 8, & 9 of the Mission Ranch project located on the southeast corner of the intersection of Mission View Dr. and Cochrane Rd., west of Peet Rd. The proposed amendment would incorporate the additional development allotments award through the Residential Development Control System.

SP Linder reported that the reason for the request to continue the application is to amend the existing development agreement, as the Mission Ranch project received supplemental allocations which require the applicant to pull additional building permit than were in then Development Agreement, DA-03-13. A subdivision map that would address the location of the future lots is also required in order to have the allocations match the lots. The applicant was unable to get the maps to us in time, so this item was advertised for public hearing. SP Linder requested the Commission to open this item to public hearing and continue it until July 27, 2004.

Commissioner Lyle asked that since the allocation was for supplementals, does it interfere with pull building permits for the initial set of units. SP Linder explained that there is a sufficient number of lots approved. She added that it will not jeopardize what the applicant needs to do now, but it will affect the future.

COMMISSIONER MUELLER MOTIONED TO CONTINUE DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-13: MISSION VIEW-MISSION RANCH TO THE JULY 27, 2004 PLANNING COMMISSION MEETING. COMMISSIONER ESCOBAR SECONDED THE MOTION. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES.

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2) ZA-04-02: COCHRANE- ASSISTED LIVING CENTER

A request to amend the precise development for the De Paul hospital site located on the south side of Cochrane Rd. between Mission View and St. Louise Dr. The amendment request is to include two additional parcels within the hospital precise development plan and to designate additional uses within the development plan to allow for a 6050 sq. ft. child care facility, a 80 unit congregate care facility, a 94 unit assisted living facility and a 13,560 sq. ft. commercial office use.

Commissioner Mueller stated the for the first time is 15 years, he would have step down, as he is the Chairman of the Citizens Advisory Board for the De Paul Heath Center, which is a committee of the Board of Directors of O'Conner Hospital. O'Conner Hospital owns part of the PUD.

SP Linder explained the request for the amendment to an existing PUD and also an expansion of the same PUD, which was formerly at the St. Louise Hospital site. It is located on the south side of Cochrane where the existing hospital facility closed down around 1999. When that PUD was approved in 1999, it included the hospital support buildings within that facility, as well as a 100-unit assisted living facility in the northeast corner. It had an irregular shape running from Cochrane to Mission View over to St. Louise Drive and excluded the two properties on the northwest corner, which is a separate PUD. This application would include the two properties that never had any development proposals or master plans. The proposed PUD amendment/ expansion allows for the movement of the previously approved assisted living facility, the addition of a congregate care facility, a childcare facility and a speculative commercial office building on the corner. The remainder of the PUD would remain as currently approved by the Council for the hospital facility, which they are trying to reopen the conference facility ~~as a health center, referred to as~~ *which should now be referred The De Paul Health Center*. One of the recommended changes in Resolution No. 04-66 is that the language should be amended to refer to the facility as a "health center" not as a "hospital". SP Linder further stated that the proposed additional uses are consistent with the uses within the existing hospital PUD or are supportive of the existing uses. The proposed precise development plan meets the City development standards with only minimal exceptions. The existing hospital PUD lacks development guidelines. SP Linder added that Staff recommends development guidelines be prepared, reviewed by the Architectural Review Board (ARB) and approved by the City Council prior to any site review approvals within the PUD.

SP Linder noted that there are two site plans in the packet, with the main difference being the location of a childcare facility. The City of Morgan Hill has stopped studying the extension of Murphy Avenue, which is shown as an arterial on our General Plan. The City Council has put this matter on hold for now. The applicant is trying to decide where to put the childcare facility. They did not want to put it on the corner of two arterials. It might be Cochrane and Mission View or St Louise Dr. and Cochrane. Their first site plan shows the 6000 sq. ft. childcare facility on the corner of Mission View and Cochrane, and a 40-unit congregate care facility sitting behind that. The new parcel added to the current PUD would contain the 94-unit assisted living facility, and just shown for site plan purposes as part of the PUD is the property on the corner. It is about 1-1/3 acre and the property owner is not thinking about developing it at this time. They want to leave it the way it currently is. SP Linder continued by stating that the way the City PUD ordinance is written, it does require that the applicant present a master plan. What is being shown as the commercial office building is speculative and is

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representative of how this master plan could be laid out. Regarding the alternative site plan, the one moving the childcare facility to what they are call the ancillary zone, staff recommends in the resolution that the final details be reviewed by the ARB. Normally, the Board would be able to make minor adjustment to the site plans. If the location of the childcare facility is desired at that location, the Board would have a little more leeway and would be able to make other modifications based on the details presented at that time.

SP Linder presented an added recommendation by Staff, as another issue that has come up after the staff report was prepared. She indicated that there is concern that the childcare facility that is being proposed is truly a supportive use to the Health Center. There ought to be given priority consideration in enrollment and preference as to the rates to the health care workers at the congregate facility and the childcare facility so they would be able to attract and retain staff at the facility and not be priced out of using that facility. The applicant would have to report back to the City on an annual basis as to how they are implementing the reduced rates to employees or what their enrollment would be.

Commissioner Lyle commented that he did not see what the City would have to do with a reduced rate. SP Linder responded that the whole point with this is to ensure that the employees within that PUD would get priority with that childcare facility.

SP Linder stated that Staff does recommend approval of both site plans within the proposal as presented.

Commissioner Escobar asked if the staff inquired if the childcare facility will be self-sufficient economically. SP Linder stated that Staff did inquire and that the applicant is here to answer that question, but that they did not seem adverse to that. Commissioner Escobar stated he is trying to understand Staff's recommendation to give reduced rates to employees a given priority in an exclusionary clause and that it seems to be inconsistent and of itself. Are the preferred rates based on the prospective that the childcare is a self-sufficient business or is it intended to be subsidized by the larger entity? SP Linder replied that the childcare facility is on the property owned by the Daughters of Charity in both site plans and if they do not do the childcare facility themselves and they do contract out to an independent operator, they would make that part of their contract clause.

SP Linder agreed to entertain any questions as to traffic at this time.

Commissioner Lyle had questions regarding traffic and circulation. Regarding the shared driveway on Cochrane, is that a right in right out? And if it is, will we be having a lot of u-turns at Mission View? SP Linder replied "yes, that would be a right in right out. Commissioner Acevedo added "they would have too".

Commissioner Lyle voiced concerns about the traffic flow due to the 100 plus units recently constructed in the area. Might that not change whether or not the light would have to be put in with the project? SE Creer said the easy answer is we'll just go ahead and put in the signal.

SP Linder reiterated that the applicants request and recommendation is to approve two

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site plans and that Staff concurs with the concerns to move the childcare facility away from the arterial wherever that may be installed. She stated that the Commission was being asked to approve an amended precise development plan that includes not only land uses, but additional property. Therefore, we no longer have two PUDs, but we have one big one. There are two actions proposed. One expanding the PUD and the other redefining the precise development plans to include the additional uses.

Chair Weston opened the public hearing.

Ric de la Cruz, property owner, introduced Jay Bladder of Hochhauser Blatter Architects, Inc., Andrew Barna of O'Connor Hospital Daughters of Charity, Barry Swenson, partner, and Tina Vigaliso, nearby resident.

Ric de la Cruz made a PowerPoint presentation. He stated that the drainage will come off the back property and follow a pipe that leaves the property and goes to a detention pond adjacent to 101 and the Madrone Channel. He stated that at this time they have no information as to the planned usage of the adjacent property with a small house on it, as the owners have not responded to attempts to contact them. He added that the General Plan designation of the property is commercial.

Presentation of the first site plan:

1. Their property line is right down the center and they want to enter into a easement agreement with O'Connor Hospital to share the entry.
2. The goal is to try to create as much movement of the traffic off the site in three basic directions according to however the City lays out the traffic flow. With lights and restrictive right and left turns, the traffic will take on it's normal characteristic.
3. The assisted living is primarily made up of our most senior population and the mode of transportation is a bus service provided by the facility. There will be some parking for the few that do have vehicles. The families will be visiting at off hours, not peak times, usually on weekends, after and for dinner, or in the middle of the day.
4. All of the Alzheimer/lost-memory patients will not be driving and will be under supervision at all times.
5. The Congregate Care is an evolving property and The Daughters of Charity are showing very strong interest in having a very modern skilled nursing model. They have not finished their programming of the building. The impacts that are normally planned for will be low. To minimize the traffic analysis, they took the worst case and will be providing the maximum parking. They do take note of the new 100 units that we were not aware of before, but in the end the residents of the facility will not have much impact on that.

Mr. de la Cruz stated that the applicants can live with both options for Murphy Avenue. Both plans will work for their benefit whether Murphy is on Mission View or St. Louise. They can proceed with the project; the first facility will be the Assisted Living, which will be about an 18-month construction project. The congregate care facility will be 2 to 2-1/2 years out. At that time, they will decide where to put the Childcare Center, because it would not be put on the corner of two arterials. It is very important to all the facilities to have a good support system for their employees and to have childcare available to them.

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Commissioner Escobar asked if there was sufficient demand to warrant the exclusivity of the childcare just to staff. Is the childcare facility to be economically self-sufficient or is it to be subsidized by some other revenue strain?

Mr. de la Cruz responded that it is to be a pragmatic model very similar to the UC who has nine of these models. It becomes a ranking process. The demand of the immediate moment will be met, and then the available slots will be allotted to the public. The pricing is ours and the doctor's responsibility to collaborate to solve that problem. The childcare facility would not seek funding from the City or other public sources to subsidize it.

Commissioner Escobar questioned that in the approval process would the facility be available to the public or just for employees, as it seems that it will be available to employees on a first priority, but should we need to augment the revenue stream by making it available to the general public and that you would like that flexibility?

Mr. de la Cruz stated that the answer will be solved within the Assisted Living and the hospital, with subsidy from the doctors and Assisted Living Property, with the net benefit of keeping our employees.

Commissioner Escobar asked if infant care would be also be provided? Mr. de la Cruz said that they would be very serious about that.

Commissioner Lyle asked if the childcare would be jointly owned or an independent facility? Mr. de la Cruz answered that the childcare facility is exclusively on the Daughters of Charity property and in their building, but we have developed a partnership. The ownership of the operation will be a shared event of some type.

~~Commissioner Acevedo questioned the use of the word "collector" in reference to Murphy, and if it will be an arterial? The other street, probably St. Louise Dr, will be a collector. Both of these corners will be very busy and was any thought given to the childcare facility being put on the interior of the property? Commissioner Acevedo asked the speaker to clarify the instances he was using 'collector' and 'arterial' in referring to the streets as it appeared the speaker consistently used 'collector' instead of differentiating between the two. SE Creer agreed it was confusing for the audience and needed to be clarified. The speaker acknowledged that there is a difference between the two and clarified his intent to identify the streets about which he was speaking, with the correct descriptions.~~

Mr. de la Cruz replied that there are two auxiliary sites which would be very quiet places. The Daughters of Charity are bringing in their Ministry of Service Regional Headquarters, which is like a mission, with a small number of nuns working with medical and community issues for a large area. If the Commission would like to give them direction tonight, yes, they would be happy to modify the plans to reflect that.

Chair Weston wanted to know if they were going to start building the Assisted Living Facility right now.

Mr. de la Cruz stated that the O'Conner community is anxious to get the medical center up and running, but do not have time to focus on this future building. The Assisted Living people would like to get the project approved and continue with the idea as early

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as possible to break ground and start building right away.

Chair Weston asked what is the timeline for the congregate care? Mr. de la Cruz said a guess is that the congregate care facility is a minimum of two years out. It should take around 18 months to build the complete Assisted Living facility and start using it. Both construction schedules could overlap.

Chair Weston asked to reserve the right to call Mr. de la Cruz back before the Commission.

Jay Blatter of Hochhauser Blatter Architecture and Planning presented the master plan for the project. He discussed the architectural standards and the intended design, stating that it is an implementation of the guidelines.

Chair Weston requested to be shown where the bus drop offs would be and asked would all the buses for drop off be coming off Cochrane? Mr. Blatter replied not necessarily. There is access from the south, as well as from Cochrane to the north.

Commissioner Escobar commented that there appeared to be two kitchens. What is the reason for that? Mr. Blatter answered that one kitchen is a warming kitchen for the memory impaired and the other is for the main kitchen where the majority of the food will be prepared.

Commissioner Escobar wanted to know what levels of assisted care will be provided? His understanding is that there are three levels that range from relative independent to those who require more attention. Mr. Blatter replied, "yes, it would handle all three levels".

Dick Oliver requested to speak as a member of the medical foundation. This project will be an asset to our community. He asked if the residence of the Assisted Living or the Congregate Care counted in our population figures. And if so, what is the impact on Measure C? Are there any Measure C requirements required of this project? If there are, then they need to be alerted immediately to know what those procedures are.

With no others present to speak to the matter, Chair Weston closed the public hearing.

Chair Weston stated that Dick Oliver's comments regarding Measure C were interesting and asked SP Linder to clarify what impact these units would have.

SP Linder stated that ~~each kitchen is counted as a dwelling unit and would therefore be exempt from Measure C.~~ *only units which have kitchens require allotments, and the proposed units would therefore not need RDCS allotments.* She also commented that the Department of Finance does count ~~residence~~ *residents* of nursing homes, congregate care and assisted living facilities, such as these, towards our annual reported population.

Commissioner Lyle asked what the total number of units will be. SP Linder replied that 94 ~~residence~~ *residents* in the Assisted Living and plus a potential of another 70 in the Congregate Care, 164 maximum counted in our population. Commissioner Lyle stated that over the next 16 years, there would be 55 fewer homes built, so it would not be a major impact.

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Chair Weston asked Commissioner Lyle if he had any concerns regarding the traffic at this time.

Commissioner Lyle responded that he had issues with the turn around coming in and the number of u-turns at Mission View based on the project trip estimate of 560 daily trips with the congregate care and the childcare in that area. If only the congregate care were in that area there would be about 140 trips. If you look at the other location for the childcare, it would be a relatively easy exit to St. Louise Drive or if some was coming in Mission View and going through exiting at St. Louise Drive, it would be easier in respect to the trips. No u-turns, so from a circulation point of view, it makes more sense. There is an awkward movement if you are coming from the east or from Mission View to go into those facilities.

Mr. de La Cruz stated that a large number of the childcare parents are going to stay on site at work, which would reduce the trips. The employees work in three shifts and work off hours. The employee hours can be staggered, so there won't be a traffic impact. This only one-third of the project and as you go further into it, there is another drive connection. When it is all built out, there are many more traffic control opportunities and a traffic signal or two.

Chair Weston asked SE Creer if he had any comments about the u-turns or right-hand turns. SE Creer stated it was a question of where the activity will come from and what hours. Commissioner Lyle mentioned that with the 100 new homes going in, a new signal or two should be put in whether they have to put it in or whatever.

Commissioner Acevedo said that Cochrane is a very fast road with people just coming off the freeway, which mirrored Commissioner Lyle's concerns. Commissioner Lyle expressed concern that the drivers exiting on to Cochrane would not have enough time to cross over to the left-hand turn/u-turn lane with a short distance of 180 ft. to the corner. Commissioner Lyle added that they should come up with a proposal or course of action to make sure these things are reviewed.

Chair Weston asked SE Creer, in terms of their development of off-sites and Cochrane, what would be the responsibilities of the Assisted Living project?

SE Creer answered that it would go back to what the General Plan says, and that we conditioned them, as part of the project, to widen the roadway and to remove and replace what is out there now.

Chair Weston wanted to know besides the sidewalk, curb and gutter, are they required to do all the median work.

SE Creer replied that the stripped median, which will be a double-double yellow (which would prevent, by law, the left-turn movement) and with the driveway as a right-turn only, would probably come as the development on the north side of the road occurred.

Chair Weston summarized that they are required to put in the curb, gutter, detached sidewalk, lighting and some additional width on there side.

Commissioner Lyle expressed concern as to why the City would get involved in the

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price break to the employees of the Assisted Living facility. It seems to be a private enterprise issue. In the past, the City has encouraged ~~them~~ *other projects* to have priorities, but that is usually to a public group.

Commissioner Escobar stated that it is the employer's responsibility to figure out ways to keep their people happy.

Commissioner Acevedo did not see any difference than with the teachers allowed to live in special housing.

Commissioner Escobar restated his concern whether the childcare was going to be economically viable on its own or not. But if that raises issues with the public, the owners of the property would have to handle it.

Chair Weston indicated that there are two plans and asked if any of the Commissioners had strong feelings for one or the other?

Commissioner Escobar asked about the proposed commercial usage and how we are treating that particular part.

Chair Weston replied it will be treated as a temporary use that conforms to that zoning and will come back in a different form at a later date.

Commissioner Acevedo reminded Chair Weston that the applicant is asking the Commission to approve both site plans.

Chair Weston answered that there are some reasons, which have been gone over, why the plan with the childcare on the corner would not be approved. It could be approved with conditions which we have spelled out.

Commissioner Lyle indicated that he wants to have additional traffic analysis done that would see if one plan is better than the other.

Commissioner Acevedo stated that after the facility is open and operational another traffic study be done.

SP Linder commented that the first phase of the project will be the Assisted Living facility. If they proceed with the master plan with the childcare at the corner of Mission View, we could require as part of the conditions of the project that a second traffic study or the installation of the traffic signal at that time. The childcare seems to be what triggers that extraordinary amount of people doing u-turns.

Chair Weston replied that at this time the Commission is not ready to make any design decisions at the two intersections.

Commissioner Lyle said that the suggestion is to add a condition that says anything developed beyond the Assisted Living facility would require a warrant study.

SP Linder answered that the warrant study only be required if the master plan, including the childcare on Mission View, is implemented. If they choose to locate it further in on the St. Louise Drive side of the property, that condition would not be

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applicable. Commissioner Lyle inquired that if the St. Louise Drive side were chosen, would the signal need to be put in there?

Chair Weston indicated that an additional condition be added that *after the first phase of the project (Assisted Living facility) is completed, any and each additional phase would trigger the requirement for a warrant study be done.*

Commissioner Lyle asked if SP Linder has a condition with respect to giving priority to staff at the childcare. Chair Weston stated that that is not something the Commission concurs with, i.e., the pricing structure, but only with the priority part, and that the specific language will be provided by Staff under the direction of the Planning Commission.

Commissioner Acevedo asked at what point the mitigation for an additional traffic study should be done. SP Linder stated that would be added as mitigation to the negative declaration.

COMMISSIONER ESCOBAR MOTIONED TO RECOMMEND APPROVAL OF THE MITIGATED NEGATIVE DECLARATION AS AMENDED. COMMISSIONER LYLE SECONDED THE MOTION.

Commissioner Acevedo asked if that included the zoning amendment.

SP Linder stated that it would be in Resolution No.04-66 and the correction in the title from hospital to De Paul Health Center.

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES, MUELLER.

COMMISSIONER ESCOBAR OFFERED RESOLUTION NO. 04-66, RECOMMENDING APPROVAL OF THE ZONING AMENDMENT REQUEST, ZA-04-02: COCHRANE-ASSISTED LIVING CENTER, INCLUDING THE FINDINGS AND CONDITIONS. COMMISSIONER LYLE SECONDED THE MOTION. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES, MUELLER.

Commissioner Mueller returned to his seat on the dais at this time.

OTHER BUSINESS:

**3) SUMMER
MEETING
SCHEDULE**

COMMISSIONER MUELLER MOTIONED TO CANCEL THE AUGUST 24TH PLANNING COMMISSION MEETING. COMMISSIONER ACEVEDO SECONDED THE MOTION. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, ENGLES.

ANNOUNCEMENTS:

Commissioner Mueller asked SP Linder if the Commissioners would get the completely rewritten zoning text amendment at least two weeks before the scheduled meeting

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before the Commission.

SP Linder recommended at least four weeks, if not more, to allow sufficient time for the Commissioners to review it.

Commissioner Acevedo questioned if the zoning amendment for Digital-Venture Professional Center will be agendaized for the July 13 Planning Commission Meeting? SP Linder confirmed that the zoning amendment is on the July 13 Planning Commission Meeting agenda. She also indicated that the 30-day review period of the mitigated negative declaration will not expire by the time the Planning Commission reviews it, but it will be completed at the time of the City Council hearing, as the Council is the final action. Any information that is received during that 30-day period has to be considered prior to the Council hearing. It does not provide the Planning Commission with the full 30days, but it could be heard by the Commission and comments come in after the fact.

ADJOURNMENT: Chair Weston adjourned the meeting at 9:15 p.m.

MINUTES RECORDED AND PREPARED BY:

Sheila M. Webster, Office Assistant II